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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Case No.: CR 09-00717-01 JF

Plaintiff,

V.

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME AS TO
MARCO BARBOSA; {PROPOSED}
ORDER**

MARCO BARBOSA; MARIA BARBOSA,

Honorable Jeremy Fogel

Defendants.

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Defendants.

Defendant Marco Barbosa and the government, through their respective counsel, hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently scheduled for Wednesday, August 19, 2009 at 9:00 a.m., be continued to Wednesday, September 9, 2009, at 9:00 a.m. The continuance is requested in order to coordinate Mr. Barbosa's appearance with that of his wife, Maria Barbosa, who is set to appear on September 9, 2009. Additionally, the continuance is requested to allow time for effective defense preparation and investigation.

The parties further agree that time should be excluded under the Speedy Trial Act because the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense

STIP. TO CONTINUE;
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1 counsel reasonable time necessary for effective preparation, taking into account the exercise of due
2 diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this
3 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

4

5 Dated: 8/11/09

/s/
6 LARA S. VENNARD
Assistant Federal Public Defender

7 Dated: 8/11/09

/s/
8 DAVID CALLAWAY
Assistant United States Attorney

9

[PROPOSED] ORDER

10
11 The parties have jointly requested a continuance of the hearing set for Monday, August 19,
12 2009, to consolidate Mr. Barbosa's first appearance in the district court with the first appearance of
13 his wife, and to allow time for effective defense preparation and investigation.

14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently
15 set for Wednesday, August 19, 2009, be continued to Wednesday, September 9, 2009, at 9:00 a.m.

16 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
17 under the Speedy Trial Act from August 19, 2009 to September 9, 2009. The Court finds, based on
18 the aforementioned reasons, that the ends of justice served by granting the requested continuance
19 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
20 requested continuance would deny defense counsel reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
22 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
23 §§ 3161(h)(7)(A) and (B)(iv).

24 Dated: 8/17/09


25 JEREMY FOGEL
United States District Judge

26

STIP. TO CONTINUE;
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